

CLAIM NO. 21740

ESTATE OF JOYCE M. B. KRAUTH  
V  
STATE OF CONNECTICUT

**REQUEST TO REVIEW THE DECISION OF THE CLAIMS  
COMMISSIONER**

To Chairman Fox, Chairman Coleman and all of the members of the Judiciary Committee.

My name is Jill Deane and I am here to request a review of the decision of the Claims Commissioner regarding the Estate of Joyce M. B. Krauth v. the State of Connecticut.

I have submitted written testimony to all of the members.

Joyce Krauth was my mother and on January 29, 2008, she was struck by a vehicle in the UCONN Medical Center Parking Lot "H".

My mother was at John Dempsey Hospital visiting her sister, who had just had surgery that morning and my mother had been at the hospital all that day.

At approximately 4:00 p.m., I received a call from my cousin Matt, telling me that my mother had been in a car accident in the hospital's parking lot. I told my cousin that I wasn't surprised at all because the parking was horrendous at UCONN. I, of course, assumed that my mother was in her car at the time of the accident, but my cousin soon explained to me that she was struck while walking to her car. She was unconscious and I needed to get to the hospital right away.

I picked up my father and we arrived at the UCONN Medical Center Emergency Room at approximately 5:00 p.m.

We were met by emergency room staff and we were told that my mother wasn't doing well and we were brought into her room. The lead doctor informed us of her many injuries and that she was being kept alive by life support.

We were then led into a small room to discuss our next step and were joined by my cousin Matt and his mother Joann, as they had both been with my mother prior to the accident. Matt came upon my mother just minutes after she was struck, as he was walking to his car, which was parked in the same lot. He called 911 to get her help.

A UCONN Medical Center pastor joined us in the room as my dad and I began discussing organ donation. A gentleman, who introduced

himself as a UCONN Medical Center administrator, came into the room and sat next to me. He began to ask my cousin Matt questions about the accident and was trying to get him to talk about the accident scene, etc. I remember him asking about my mother's shoes and where they were and if we had them. We were all very uncomfortable with the questions and the fact he was even in the room with us, at this critical time. We continued to talk about my mother, whether or not to have her transported to Hartford Hospital to have her organs harvested and the man eventually left.

While we waited for news of her possible organ donation, my mother was moved to the Critical Care Unit at UCONN Medical Center and we would be with her for the next three hours.

When it was determined that my mother was too severely injured to donate her organs, her life support was removed and she passed away.

In the days that followed, we were told by the UCONN Police Department that a man had hit my mother while he was backing out of a parking space.

It wasn't until months later, when I was talking to my cousin Matt, that I came to realize that the automobile that hit my mother was going the wrong way. If the driver was exiting in the proper manner, and he backed into her, his vehicle would have been to the right of her body. My cousin told me that the vehicle was to the left of her body, facing away from the entrance, in the wrong direction. I knew the layout of this parking lot because I had been parking in it since 2005, every month, for my children's orthodontist appointments at The UCONN Medical Center Dental School.

It was confirmed that the driver, Jose Guerrero, was going the wrong way when I finally saw the UCONN police report. The diagram, Exhibit A & B, clearly shows that Jose Guerrero's vehicle was facing the wrong way, against the traffic.

The Claims Commissioner, in his Memorandum of Decision , Exhibit C, states four relevant facts, which I'd like to address.

1. "On January 29, 2008 at approximately 3:30 p.m., the decedent was a pedestrian in parking "Lot H" of the University of Connecticut Health Center (UCHC) in the Town of Farmington,

Connecticut. At that time and place a car being operated by Jose Guerrero, 114-68 38<sup>th</sup> Avenue, Flushing, New York was being operated in reverse at a high rate of speed and struck the decedent causing her fatal injuries.”

Response: The UCONN Police Department claims that Jose Guerrero was operating his vehicle, in reverse, at a range of speed estimated to be between 11.77 –22.89 mph, Exhibit D. In the state’s Motion For Summary Judgment, State’s Attorney Linsley Barbato includes and references partial testimony of Michael Cei, the expert witness for the claimant. She does not include his entire testimony.

On Page 62 of his deposition, Exhibit E, she asks Mr. Cei if he would agree with her that Mr. Guerrero, as he was going in reverse, was traveling at a rate of speed that was too fast for reverse, in a parking lot.

His answer was “On the low end I would say no, on the high end, yes.”

Much of the Commissioner’s decision appears to be based on the fact that Jose Guerrero was traveling in reverse at a high rate of speed. However, Mr. Guerrero’s speed has not been proven. On page 53 of Jose Guerrero’s deposition, Exhibit F, Mr. Guerrero claims that he was traveling 5-6 miles an hour. When emphasis on the factor of the speed of the vehicle is reduced, the direction the vehicle was traveling becomes far more important.

2. “Prior to striking the decedent, Guerrero had entered the parking lot and drove into the left aisle, which was marked for traffic exiting the lot. After driving about half way down the aisle, Guerrero decided to back up so that he could get to the entrance of the lot and enter the other (right) aisle.”

Response: There needs to be signs in addition to visible arrows painted on the pavement.

In Exhibit G, you will see that the other parking lots at UCONN Medical Center are clearly marked with signs that read “Keep Right”, “Do Not Enter”, “Wrong Way” and “One Way”. Lot “H” should also have signs as an added visual guide so operators are not entering or traveling the wrong way.

On three different occasions, 8/23/10, 8/28/10 and 8/31/10, over a total period of only 2 ½ hours, I captured 20 vehicles on video, traveling in the wrong direction, Exhibit H.

It is interesting to note that, on the last occasion, I was told by a UCONN police officer, to leave the property. Although I was discreet, sitting in my vehicle in Parking Lot "H", and upfront as to why I was there, I was told by this police officer that I was on private property and that I couldn't be there. He left me for ten minutes and went back to his car, to call his superior. When he came back, he told me that I could come back in the evening to photograph, after hours. I explained to him that it wasn't private property and that I wasn't bothering anyone, but it didn't matter. I left and I never returned.

Also attached is Exhibit I & J, a list of UCONN Medical Center parking lot accidents from 2007-2010, which was provided to me by the UCONN Police Department on September 14, 2010. There were more accidents in Parking Lot "H" than any other lot at UCONN Medical Center. Lot "H" is designated for patients and visitors, typically new to, or unfamiliar with, the layout at UCONN (this would not be the case in, say, an employee parking lot). It would appear that additional signage is needed to direct the flow of traffic in this very busy lot.

Also interesting to note, is that in this list of accidents from 2007 to 2010, my mother's fatal accident on 1/29/08 in Parking Lot "H" is not listed.

3. "The Lot "H" entrance is divided into two separated travel aisles for parking purposes. There are white directional arrows painted on the pavement at the entrance to the lot directing motorists to bear to the right aisle (the arrows on the left aisle indicates that traffic would be exiting from that location)"

Response: As shown in Exhibit K, photos of the arrows in Parking Lot "H" were taken in February of 2008 and again in May of 2008. The pavement arrows in the photos taken in February are faded and barely visible. The arrows in the photos taken in May are newly painted and more visible.

Even though the arrows have been re-painted since January of 2008, it is clearly not enough direction because traffic continues to frequently enter

the lot in the wrong direction. There would be no direction at all in Lot "H" if even one half inch of snow were to cover the parking lot.

4. "Guerrero was arrested and charged with misconduct with a motor vehicle, reckless driving, unsafe backing and a windshield obstruction violation. He pled guilty to reckless driving and negligent homicide."

Response: Why was Mr. Guerrero charged with unsafe backing and windshield obstruction but never charged with traveling the wrong way? I would argue that it is certainly to UCONN Medical Center's benefit to find fault with the driver, and not identify the flaws in the directions (signage) in the parking lot.

It is unfortunate to say, but we have been made to feel that UCONN Medical Center and the State of Connecticut have been less than helpful in this matter due to the actions of the hospital administrator, the police officer in the parking lot, the omissions in the parking lot accident data, and the Motion for Summary Judgment instead of a hearing.

In the Commissioner's final conclusion, he claims that "The actions of the driver of the vehicle had no bearing on the alleged defects in the layout, signage, markings and maintenance of the parking lot and were so reckless and unpredictable that there is clearly no causal connection. This was a tragic accident, but wrongs are not righted by laying blame where there is none."

Response: I strongly disagree with the Commissioner's findings. It is undisputed that Mr. Guerrero was traveling in reverse however, the rate of speed that he was traveling has not been proven, it was estimated, and a range of speed was given. I don't feel that it is fair for the Commissioner to choose the higher rate of speed to better suit the State's position. Again, with speed being a lesser factor, there is a greater focus on the direction Mr. Guerrero chose to travel.

Mr. Guerrero testified that when he would arrive at Lot "H" to take his mother to her treatment, he would enter to either the left or the right, depending on open spaces. He also testified that he never noticed the arrows on the pavement. Had he been properly directed to travel in the intended

direction on the day of the accident, and all else being the same, he would have been facing my mother, not traveling in reverse.

Parking Lot "H" has the most accidents at UCONN Medical Center. This alone should warrant properly marking this lot. Even after there was a death, nothing has yet been done to make this lot safer. However, as the UCONN Medical Center moves ahead with plans to improve infrastructure, the overcrowded 100 space patient/visitor's lot will be replaced with a 700 space parking garage, Exhibit L.

Parking Lot "H" is not an organized, easy-to-use parking lot. When you drive up the road to the John Dempsey Hospital and pass through the gate, you immediately see Parking Lot "H" to your right and enter to park. I have parked there many, many times and there are never enough parking spots to accommodate the amount of people who are visiting. When you cannot find a spot to park, you travel around and around, waiting for someone to exit. Often, there are times that while driving down the aisle, someone is coming toward you. There is hardly enough room to move over and let the vehicle by. People back up in the wrong direction, people exit in the wrong direction and people enter in the wrong direction. The lot is not safe.

I question how the Commissioner can believe that signage is not a factor. Lot "H" has the least amount of signage and the highest amount of accidents.

It is UCONN Medical Center's responsibility to direct the flow of traffic in their parking lots. My mother was struck and later died because a man wasn't aware of the faded, salt covered arrows on the pavement in Lot "H" and had no other visual direction to make him aware of the requirement to travel one-way.

We are asking the Committee to grant permission to the Estate of Joyce M. B. Krauth to bring suit against the State of Connecticut, pursuant to §4-160 of the Connecticut General Statutes.

# EXHIBIT A

## University of Connecticut Health Center Police Department

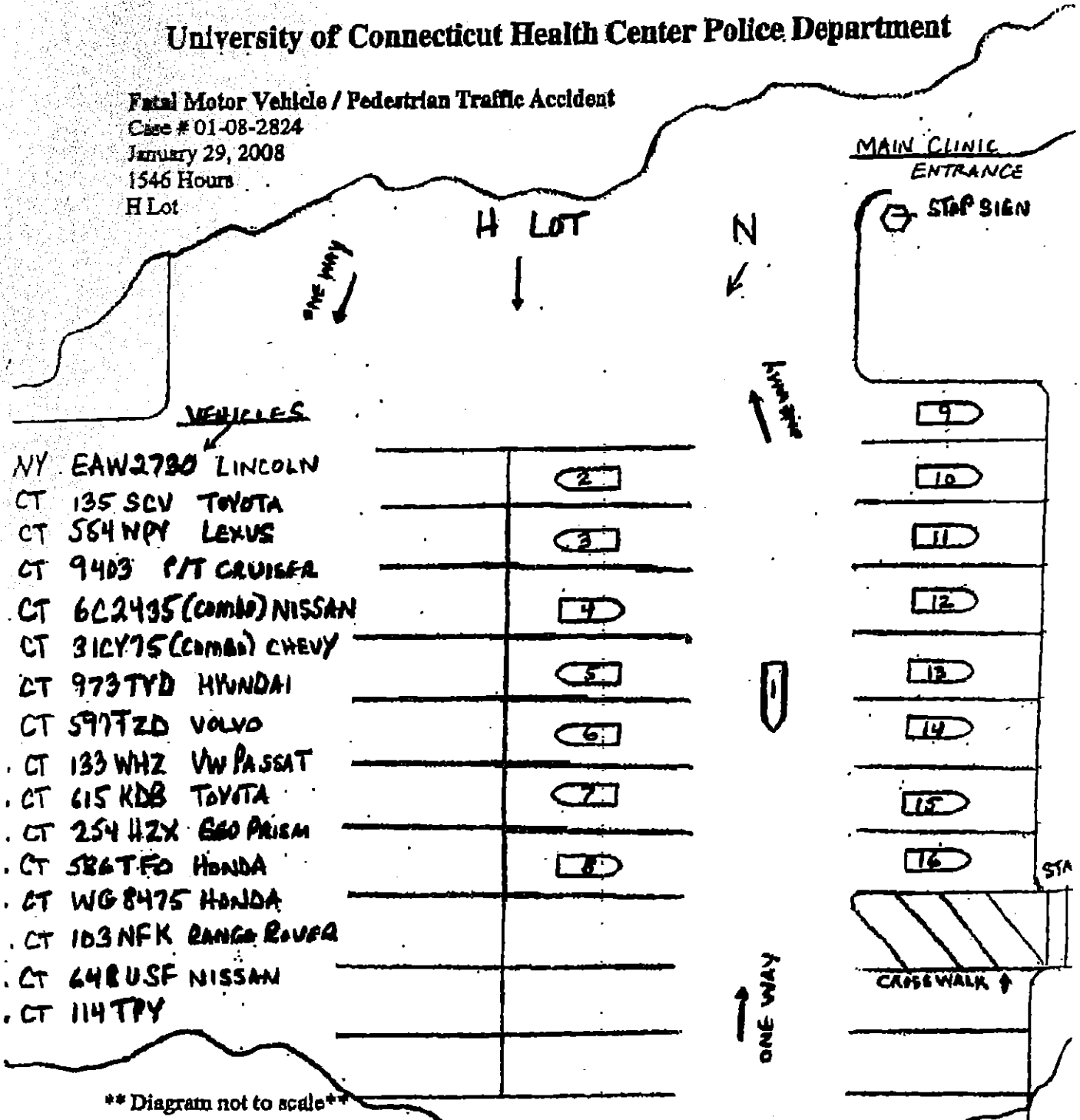
Fatal Motor Vehicle / Pedestrian Traffic Accident

Case # 01-08-2824

January 29, 2008

1546 Hours

H Lot



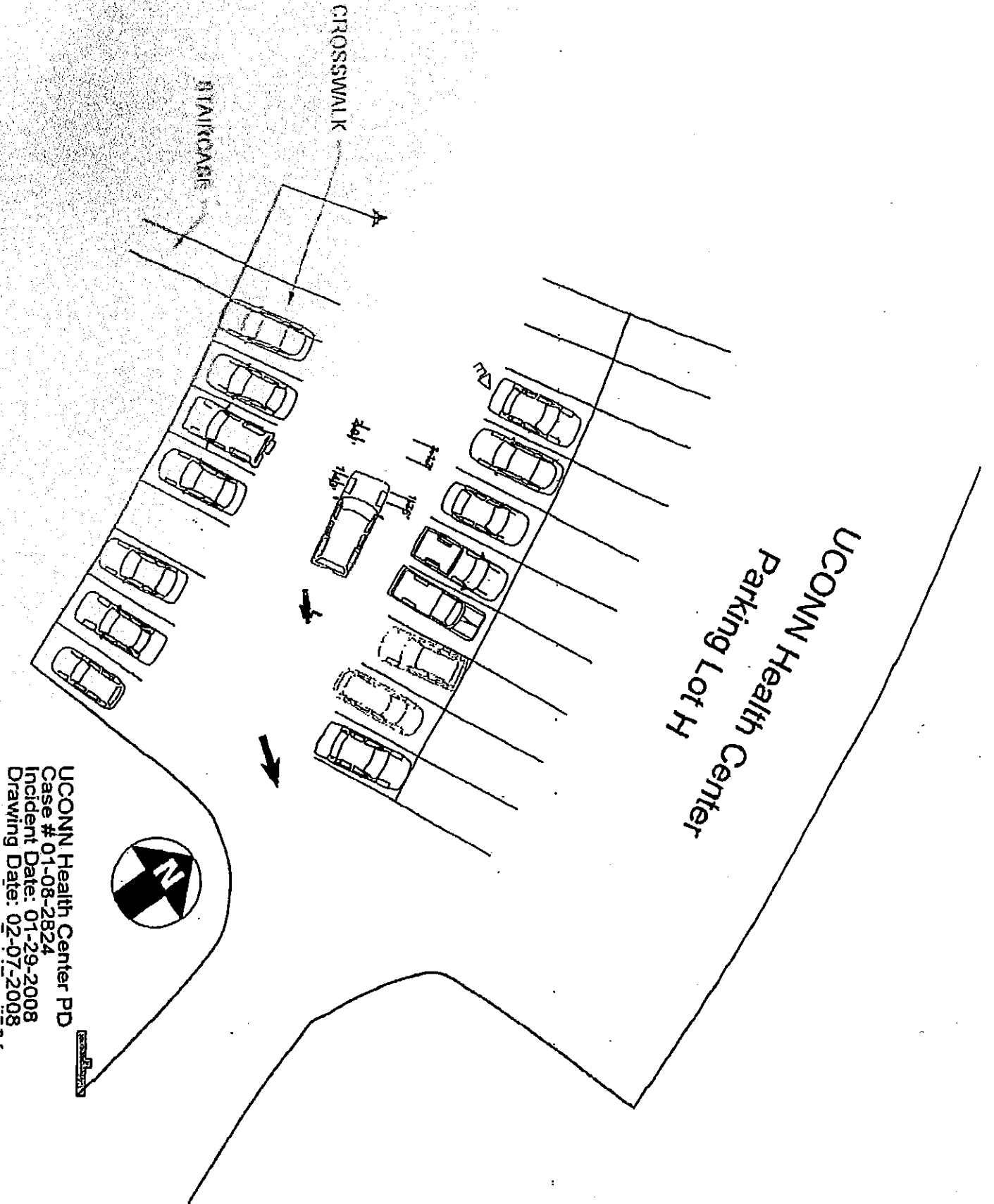
Officer Michael J. Fago #6

Michael J. Fago 01/29/08

FILE



# EXHIBIT B



CONN Health Center PD  
Case # 01-08-2824  
Incident Date: 01-29-2008  
Drawing Date: 02-07-2008

JAMES R. SMITH  
COMMISSIONER



STATE OF CONNECTICUT  
Office of Claims Commissioner

999 Asylum Avenue  
Suite 204  
Hartford, CT 06105  
Telephone (860) 566-2024  
Facsimile (860) 566-3406

EXHIBIT C

Date: July 22, 2010

**Re: File No. 21740**

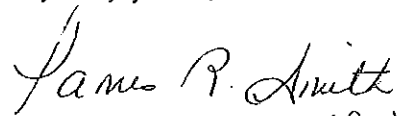
Dear Claimant:

Enclosed is the Memorandum of Decision regarding your claim. Please be advised of the following:

***You have the right to request the General Assembly to review the decision of the Claims Commissioner at the next session (2011) and pursuant to Sections 4-158 and 4-159 of the Connecticut General Statutes. The General Assembly may accept, alter or reject the recommendation of the Claims Commissioner.***

***Your request must be in writing and filed with the Office of the Claims Commissioner no later than twenty (20) days from the date of this notice.***

Very truly yours,

  
James R. Smith (PM)

**STATE OF CONNECTICUT  
OFFICE OF THE CLAIMS COMMISSIONER**

CLAIM NUMBER: 21740

ESTATE OF JOYCE M. B. KRAUTH

JULY 21, 2010

**MEMORANDUM OF DECISION**

The claimant, William E. Krauth, Executor of the Estate of Joyce Margaret Bodozian Krauth (decedent), alleges that on or about January 29, 2008 the decedent was a pedestrian in a parking lot (Lot "H" of the University of Connecticut Health Center) in the Town of Farmington, Connecticut and was killed when she was struck by a motor vehicle operated by Jose Guerrero of Flushing, New York. Prior to striking the decedent, Guerrero had entered the parking lot and travelled down the left travel aisle in the "wrong direction". Claimant alleges that after travelling approximately half way down the aisle, Guerrero put his vehicle in reverse and backed into the decedent, causing her fatal injuries. Claimant alleges that the State of Connecticut and its agents, servants or employees was negligent because they failed to mark and/or warn of the proper flow of traffic patterns in the subject lot; they failed to provide adequate signage and markings concerning the flow and direction of traffic and walk areas in light of the same; they failed to provide any signs concerning entrance/exit as ingress/egress to and from the parking lot; they failed to properly clean and maintain any markings that existed on the pavement to make the same visible; they failed to clean/remove sand from said markings; and they failed to provide adequate parking and routes to parking spaces at the facility, all of which resulted in Jose Guerrero's operating his vehicle against the flow of traffic (wrong way) and resulted in Joyce Krauth's death. By claim filed January 14, 2009 the claimant seeks to recover damages and permission to sue the state.

This matter is before the Commissioner for decision on Respondent's Motion for Summary Judgment filed April 21, 2010, which asserts essentially that the claimant does not have a "just claim" as the state did not "cause" his decedent's death and that the uncontested facts establish that he should not be granted permission to sue the state. Claimant filed a Memorandum of Law in Opposition to the respondent's Motion on May 18, 2010.

The Respondent's motion is properly before the Commissioner. Although the Commissioner is not constrained by the formalities of the Connecticut Practice Book the established practice is to consider Motions to Dismiss, Motions to Strike, Motions for Summary Judgment or other similar or hybrid motions, submitted prior to hearing, and designed to test the sufficiency of the claim.

Summary judgment shall be granted if "the pleadings, affidavits and any other proof submitted show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Practice Book 17-49; Hammer v. Lumberman's Mut. Cas. Co., 214 Conn. 573, 578 (1990); see also Zichichi v. Middlesex Memorial Hospital, 204 Conn. 399, 402 (1987). "The test for granting summary judgment is whether the moving party would be entitled to a directed verdict on the same facts" Wilson v. New Haven, 213 Conn. 277, 279-80 (1989) (citing Batick v. Seymour, 186 Conn. 632, 647 (1982)). A motion for summary judgment shall be supported by such documents as may be appropriate, including ... affidavits, certified transcripts of testimony under oath, disclosures, written admissions and the like." Practice Book Sec. 380.

The party seeking summary judgment has the burden of demonstrating the nonexistence of any material fact. D.H.R. Construction Co. v. Donnelly, 180 Conn. 430, 434 (1980). "A 'material fact' has been defined adequately and simply as a fact which will make a difference in the result of a case." United Oil Co. v. Urban Redevelopment Commission, 158 Conn. 364, 379 (1969); and in making a finding with reference thereto the court must examine the facts in the light most favorable to the non-movant. Mingachos v. CBS, Inc., 196 Conn. 91,

111 (1985). Having done so, "the court's function [then] is not to decide issues of material fact, but rather to determine whether any such issues exist." Nolan v. Borkowski, 206 Conn. 495, 500 (1988).

Article Eleventh, Sec. 4 of the Connecticut Constitution provides that: "Claims against the state shall be resolved in such manner as may be provided by law." The legislation implementing this directive is set forth in Chapter 53 of the General Statutes. The provisions constitute a limited waiver of the sovereign immunity of the state. It is a well-established principle that statutes in derogation of sovereign immunity should be strictly construed so that the state's sovereignty may not be undermined. DeFonce Construction Corporation v. State, 198 Conn. 185, 188 (1985); Berger, Lehman Associates, Inc. v. State, 178 Conn. 352, 355-56 (1979). Where there is any doubt about their meaning or intent they are given the effect, which makes the least, rather than the most change in sovereign immunity. White v. Burns, 213 Conn. 307, 312 (1990).

C.G.S. § 4-158 authorizes the Commissioner to pay just claims not exceeding \$7,500.00. C.G.S. § 4-141 defines a "just claim" as a "[c]laim which in equity and justice the state should pay, provided the state has caused damage or injury or has received a benefit". While the "equity and justice" standard provides the Commissioner with discretion, that discretion cannot be exercised unless and until the claimant establishes that the state has caused the damage or injury and that he, or some third party or force beyond the control of the state, has not substantially contributed to his injuries. In the instant claim, the state cannot be found to have "caused" the injuries to the claimant as they resulted from the negligent, reckless or intentional actions of Jose Guerrero. This Motion is therefore concerned with whether there are genuine issues of material fact that would support a finding that the state, if it were a private person, could be liable. Connecticut General Statute §4-160(a).<sup>1</sup>

The relevant facts are as follows:

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<sup>1</sup> Sec. 4-160. Authorization of actions against the state. (a) When the Claims Commissioner deems it just and equitable, he may authorize suit against the state on any claim which, in his opinion, presents an issue of law or fact under which the state, were it a private person, could be liable.

1. On January 29, 2008 at approximately 3:30 p.m., the decedent was a pedestrian in parking "Lot H" of the University of Connecticut Health Center (UCHC) in the Town of Farmington, Connecticut. At that time and place a car being operated by Jose Guerrero, 114-68 38<sup>th</sup> Avenue, Flushing, New York, was being operated in reverse at a high rate of speed and struck the decedent causing her fatal injuries.<sup>2</sup>
2. Prior to striking the decedent, Guerrero had entered the parking lot and drove into the left aisle, which was marked for traffic exiting the lot. After driving about half way down the aisle, Guerrero decided to back up so that he could get to the entrance of the lot and enter the other (right) aisle.<sup>3</sup>
3. The Lot "H" entrance is divided into two separated travel aisles for parking purposes. There are white directional arrows painted on the pavement at the entrance to the lot directing motorists to bear to the right aisle (the arrow on the left aisle indicates that traffic would be exiting from that location).
4. Guerrero was arrested and charged with misconduct with a motor vehicle, reckless driving, unsafe backing and a windshield obstruction violation. He pled guilty to reckless driving and negligent homicide.<sup>4</sup>

The claimant argues that permission to sue should be granted because the state was the proximate cause of Joyce Krauth's death. The claimant provides the report of an "expert" witness to establish that the layout, signage, markings and maintenance of the parking lot were the proximate cause of the fatal accident. For liability to attach, it is necessary that the claimant prove that there is a genuine issue of material fact regarding causation. Our Appellate Court recently examined issues regarding causation in the case of Alexander v. Town of Vernon, 259

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<sup>2</sup> Statement of Claim; UCHC Police report attached as Exhibit 2 to claimant's Memorandum.

<sup>3</sup> UCHC Police report attached as Exhibit 2 to claimant's Memorandum.

<sup>4</sup> UCHC Supplemental Police report; Court records attached as Exhibits 4 & 5 to respondent's Memorandum.

Conn. App. 477 (2007).<sup>5</sup> Citing precedent from our Supreme Court, the Court in Alexander explained the legal standards as follows:

"[L]egal cause is a hybrid construct, the result of balancing philosophic, pragmatic and moral approaches to causation. The first component of legal cause is causation in fact. Causation in fact is the purest legal application of ... legal cause. The test for cause in fact is, simply, would the injury have occurred were it not for the actor's conduct....

"Because actual causation, in theory, is virtually limitless, the legal construct of proximate cause serves to establish how far down the causal continuum tortfeasors will be held liable for the consequences of their actions.... The fundamental inquiry of proximate cause is whether the harm that occurred was within the scope of foreseeable risk created by the defendant's negligent conduct.... In negligence cases ... in which a tortfeasor's conduct is not the direct cause of the harm, the question of legal causation is practically indistinguishable from an analysis of the extent of the tortfeasor's duty to the [victim]." (Internal quotation marks omitted.) Malloy v Colchester, 85 Conn. App. 627, 633-634 (2004). The determination of the nature of the legal duty owed, if any, must be rooted in "the fundamental policy of the law that a tortfeasor's responsibility should not extend to the theoretically endless consequences of the wrong." (Internal quotation marks omitted.) *Id.*, at 634.

"[T]he test of proximate cause is whether the defendant's conduct is a substantial factor in bringing about the [victim's] injuries." (Internal quotation marks omitted.) *Id.* To that end, "[t]he question of proximate causation generally belongs to the trier of fact because causation is essentially a factual issue.... It becomes a conclusion of law only when the mind of a fair and reasonable [person] could reach only one conclusion; if there is room for a reasonable disagreement the question is one to be determined by the trier as a matter of fact." (Citations omitted; internal quotation marks omitted.) Stewart v. Federated Dept. Stores, Inc., 234 Conn. 597, 611 (1995).

Finally, "it is the plaintiff who bears the burden to prove an unbroken sequence of events that tied [the victim's] injuries to the [defendants' conduct].... The existence of the proximate cause of an injury is determined by looking from the injury to the negligent act complained of for the necessary causal connection.... This causal connection must be based upon more than conjecture and surmise." (Emphasis in original; internal quotation marks omitted.) Malloy v Colchester, *supra*, 85..

Even if the allegations regarding the layout, signage, markings and maintenance of the parking lot are conceded the claimant cannot prevail. The decedent was walking in the aisle of a parking lot when she was struck

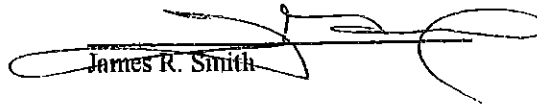
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<sup>5</sup> In Anderson, the court presumed the existence of a legal duty and breach thereof. Accordingly, a review of the issue of

by a vehicle travelling at a high rate of speed, in reverse. The actions of the driver of the vehicle had no bearing on the alleged defects in the layout, signage, markings and maintenance of the parking lot and were so reckless and unpredictable that there is clearly no causal connection. This was a tragic incident, but wrongs are not righted by laying blame where there is none.

Having considered the applicable law and the undisputed facts, I conclude that this claim does not present an issue of law or fact under which the state, were it a private person, could be liable. It is therefore not just and equitable to grant permission to sue the state. The Motion for Summary Judgment is granted. The claim is denied.

STATE OF CONNECTICUT  
COMMISSIONER OF CLAIMS

  
James R. Smith

cc: Winsley J. Barbato  
Assistant Attorney General

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causation here will be based on a similar presumption, without deciding that UCHC negligently breached a legal duty owed to the decedent.



## EXHIBIT D

# UNIVERSITY OF CONNECTICUT HEALTH CENTER POLICE

## NARRATIVE REPORT

DATE OF INCIDENT 01-29-08	INCIDENT/COMPLAINT Fatal Motor Vehicle Accident	CASE # 01-08-2824
OFFICER Sgt. John Pozniak, # 106	Page 3 of 3	DATE OF COMPLAINT 01-29-08

- Using the minimum velocity throw equation (Searle), a coefficient of friction range of .50 to .70 (sliding body), a departure angle of 45 degrees, along with the three distances of the center of mass of the pedestrian previously mentioned, (10.41 ft., 21 ft., 25 ft.) a range of minimum speed was calculated. This range was from 11.77 mph to 22.89 mph. Due to the forces applied to the pedestrian by contact with the vehicle, the pedestrian was accelerated up towards the speed of the vehicle that struck the pedestrian.

AFFIANT'S SIGNATURE:

SUBSCRIBED AND SWORN BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

SIGNED:

## EXHIBIT E

Page 62

1 he moved into reverse, in the correct direction, but  
2 in reverse.

3 \* Q And would you agree with me also that Mr. \*  
4 Guerrero as he was going in reverse was traveling at  
5 a rate of speed that was too fast for reverse in a  
6 parking lot?

7 A On the low end I would say no, on the high end,  
8 yes.

9 Q And do you also agree based on the information  
10 that you gleaned in your investigation that if Mr.  
11 Guerrero was to look in his rear-view mirror before  
12 he started to drive in reverse, his view would have  
13 been partially obstructed? / /

14 A Yes.

15 Q I think we're done, just give me a few minutes.  
16 I apologize if I asked you this already, but at  
17 the end of your report you include a caveat that the  
18 report is based on elements of the investigation  
19 which have been completed to the date of the report  
20 and it might change essentially if additional  
21 information became available. Have you received any  
22 additional information since the time you wrote the  
23 report?

24 A No, no, I have not. This caveat is recognizing  
25 the discovery process and obviously if something

1 A No.

2 \* Q And at the point that you came in contact \*  
3 with her, what is your best estimate as to your speed at  
4 that time?

5 A Five, six miles.

6 Q After starting in reverse, did you ever look  
7 in your mirrors again?

8 A I keep always looking.

9 Q Were there any cars coming towards you?

10 A No.

11 Q And by towards you, I mean towards the front  
12 of your vehicle not the rear of your vehicle?

13 A No cars were coming.

14 Q Were there any cars coming the other way from  
15 the rear side of your vehicle?

16 A I don't know.

17 Q When the impact occurred did you know  
18 immediately that you had hit something?

19 A Yes.

20 Q And what did you do?

21 A I step out of the car to go to the back, and  
22 I saw the lady on the ground and went inside the car to call  
23 911, to call the ambulance and the police.

24 Q Do you remember at that time, Mr. Guerrero,  
25 was she conscious?

**EXHIBIT G**

**UCMC LOTS**







# EXHIBIT I

Uconn Health Center, Farmington, Parking lot accidents 2007- 2010					
			2007		
	Date	Location	Vehicles	Injuries	Cause
1	1/18/2007	ASB Parking Lot	1 car	No	Unsafe Backing
2	1/22/2007	West Dock Parking	1 Car/Ped	Minor Inj. Ped	Unsafe Backing
3	1/23/2007	Dowling South Parking	2 car	No	Unsafe Backing
4	1/31/2007	I-Lot	2 car	No	Unsafe movement
5	2/22/2007	I-Lot	2 car	No	Unsafe Backing
6	3/6/2007	I-Lot	2 car	No	Fail to set hand brake
7	3/7/2007	Dowling South Parking	2 car	No	Unsafe Backing
8	3/22/2007	I-Lot	2 car	No	Unsafe Backing
9	3/27/2007	Marb Parking	2 car	No	Unsafe Backing
10	4/3/2007	Marb Parking	2 car	No	Unsafe Backing
11	4/3/2007	F-Lot	2 car	No	Unsafe Backing
12	5/2/2007	H-Lot	2 car	No	Unsafe Backing
13	5/7/2007	G-Lot	2 car	No	Unsafe Movement
14	5/18/2009	West Dock Parking	2 car	No	Unsafe Backing
15	5/22/2007	West Dock Parking	1 car	No	Unsafe Backing
16	6/2/2007	Dowling South Parking	2 car	No	Unsafe Backing
17	7/10/2007	Dowling South Parking	2 car	No	Unsafe Backing
18	7/18/2007	L-Lot	2 car	No	Unsafe Backing
19	7/26/2007	West Dock Parking	1 car	No	Unsafe Backing
20	8/6/2007	H-Lot	2 car	No	Unsafe Backing
21	9/22/2007	F-Lot	2 car	No	Evading
22	9/25/2007	Dowling South Parking	2 car	No	Unsafe Backing
23	10/5/2007	Dowling South Parking	2 car	No	Unsafe Backing
24	10/19/2007	I-Lot	2 car	No	Unsafe Backing
25	10/26/2007	H-Lot	2 car	No	Unsafe Backing
26	10/26/2007	I-Lot	2 car	No	Unsafe Backing
27	10/29/2007	L-Lot	2 car	No	Evading
28	11/16/2007	G-Lot	2 car	No	Unsafe Backing
29	11/19/2007	ASB Parking Lot	2 car	No	Fail to grant ROW
30	11/27/2007	H-Lot	2 car	No	Evading
31	12/14/2007	Level 1 Park Structure	2 car	No	Evading
32	12/20/2007	H-Lot	2 car	No	Improper turn
			2008		
1	1/7/2008	H-Lot	2 car	No	Unsafe Turn
2	1/25/2008	K-Lot	2 car	No	Evading
3	1/28/2008	I-Lot	2 car	No	Evading
4	1/29/2008	A/B Lot	2 car	No	Unsafe Turn
5	2/1/2008	Dowling South Parking	2 car	No	Unsafe Backing
6	2/27/2008	A/B Lot	2 car	No	Evading
7	2/28/2008	J-Lot	2 car	No	Unsafe Backing

8	3/3/2008	J-Lot	2 car	No	Unsafe Turn
9	3/4/2008	G-Lot	2 car	No	Unsafe Backing
10	3/7/2008	I-Lot	2 car	No	Unsafe Turn
11	3/10/2008	H-Lot	2 car	No	Unsafe Backing
12	3/13/2008	J-Lot	2 car	No	Fail to set hand brake
13	3/25/2008	Dowling South Parking	2 car	No	Unsafe Backing
14	4/14/2008	Shuttle Lot 3	3 car	No	Operator error
15	5/7/2008	H-Lot	2 car	No	Unsafe Turn
16	5/14/2008	F-Lot	2 car	No	Unsafe Backing
17	5/19/2008	H-Lot	2 car	No	Unsafe Backing
18	5/21/2008	A/B Lot	2 car	No	Unsafe Backing
19	6/11/2008	Dowling South Parking	2 car	No	Unsafe Backing
20	6/18/2008	Dowling South Parking	2 car	No	Unsafe Backing
21	7/6/2008	H-Lot	2 car	No	Evading
22	7/8/2008	H-Lot	2 car	No	Unsafe Turn
23	7/8/2008	H-Lot	2 car	No	Evading
24	7/15/2008	Dowling South Parking	2 car	No	Unsafe Backing
25	7/16/2008	H-Lot	2 car	No	Unsafe Backing
26	7/16/2008	M-Lot	2 car	No	Evading
27	7/24/2008	J-Lot	2 car	No	Unsafe Turn
28	7/30/2008	H-Lot	2 car	No	Unsafe Backing
29	8/11/2008	Shuttle Lot 2	2 car	No	Unsafe Backing
30	8/22/2008	Construction Lot	2 car	No	Unsafe Turn
31	8/28/2008	I-Lot	2 car	No	Unsafe Backing
32	9/8/2008	Dowling South Parking	2 car	No	Unsafe Backing
33	9/10/2008	Level 2 Park Structure	2 car	No	Evading
34	9/16/2008	K-Lot	2 car	No	Evading
35	9/17/2008	Shuttle Lot 2	2 car	No	Unsafe Backing
36	9/23/2008	G-Lot	2 car	No	Unsafe Turn
37	9/30/2008	Dowling South Parking	2 car	No	Unsafe Backing
38	10/3/2008	Dowling South Parking	2 car	No	Unsafe Backing
39	10/28/2008	Level 2 Park Structure	2 car	No	Evading
40	11/19/2008	Shuttle Lot 3	2 car	No	Unsafe Backing
41	12/4/2008	H-Lot	2 car	No	Unsafe Backing
42	12/19/2008	F-Lot	2 car	No	Unsafe Turn
43	12/22/2008	Dowling North Parking	2 car	No	Unsafe Backing
			<b>2009</b>		
1	1/10/2009	K- Lot	1 car	No	Fail to drive right
2	1/20/2009	Marb Parking	2 car	No	Unsafe Backing
3	1/30/2009	Marb Parking	2 car	No	Unsafe Backing
4	2/25/2009	K- Lot	2 car	No	Unsafe Backing
5	3/4/2009	N-Lot	2 car	No	Unsafe Turn
6	3/17/2009	Dowling North Park	1 car	No	Veh. Too High
7	3/18/2009	Level 3 Park Structure	2 car	No	Fail to drive right
8	3/23/2009	F-Lot	2 car	No	Unsafe Turn



9	3/25/2009	L-Lot	2 car	No	Evading
10	3/26/2009	H-Lot	2 car	No	Unsafe Backing
11	3/31/2009	H-Lot	2 car	No	Evading
12	4/8/2009	G-Lot	2 car	No	Unsafe Backing
13	4/16/2009	I-Lot	2 car	No	Unsafe Turn
14	4/27/2009	G-Lot	2 car	No	Unsafe Turn
15	5/11/2009	I-Lot	2 car	No	Unsafe Backing
16	5/21/2009	Dowling South Park	2 car	No	Unsafe Backing
17	6/1/2009	H-Lot	1 car/ped	Inj. To Ped	Unsafe Movement
18	6/3/2009	Level 3 Park Structure	2 car	No	Unsafe Backing
19	6/19/2009	Dowling South Park	2 car	No	Unsafe Backing
20	6/23/2009	H-Lot	2 car	No	Evading
21	7/1/2009	Construction Lot	2 car	No	Evading
22	7/6/2009	Dowling South Park	2 car	No	Unsafe Backing
23	7/8/2009	I-Lot	2 car	No	Unsafe Backing
24	9/15/2009	H-Lot	2 car	No	Evading
25	9/26/2009	Dowling South Park	6 car	No	Unsafe Movement
26	9/27/2009	ED Parking	2 car	No	Evading
27	10/14/2009	L-Lot	2 car	No	Evading
28	10/30/2009	H-Lot	2 car	No	Evading
29	11/2/2009	ED Parking	2 car	No	Evading
30	11/10/2009	I-Lot	2 car	No	Evading
31	11/18/2009	F-Lot	2 car	No	Unsafe Movement
			<b>2010</b>		
1	1/28/2010	A/B Lot	2 car	No	Evading
2	2/1/2010	Marb Park	2 car	No	Unsafe Turn
3	2/8/2010	F-Lot	2 car	No	Unsafe Turn
4	2/17/2010	G-Lot	2 car	No	Unsafe Backing
5	3/4/2010	J-Lot	2 car	No	Unsafe Backing
6	3/24/2010	C-Lot	2 car	No	Unsafe Backing
7	3/26/2010	J-Lot	2 car	No	Unsafe Turn
8	4/16/2010	H-Lot	2 car	No	Unsafe Turn
9	4/20/2010	Level 3 Park Structure	2 car	No	Evading
10	5/24/2010	Level 1 Munson Rd	2 car	No	Unsafe Backing
11	6/14/2010	H-Lot	2 car	No	Evading
12	6/23/2010	H-Lot	2 car	No	Unsafe Turn
13	6/25/2010	Level 3 Park Structure	2 car	No	Evading
14	7/1/2010	J-Lot	2 car	No	Evading
15	7/16/2010	G-Lot	2 car	No	Unsafe Backing
16	7/16/2010	K-Lot	2 car	No	Unsafe Backing
17	7/21/2010	N-Lot	2 car	No	Evading
18	7/27/2010	Shuttle Lot 1	3 car	No	Unsafe Movement
19	8/12/2010	H-Lot	2 car	No	Evading
20	8/17/2010	H-Lot	2 car	No	Unsafe Movement
21	8/17/2010	H-Lot	2 car	No	Unsafe Movement

EXHIBIT J

**UCONN HEALTH CENTER,**

**FARMINGTON, CT**

**PARKING LOT ACCIDENTS 2007-2010**

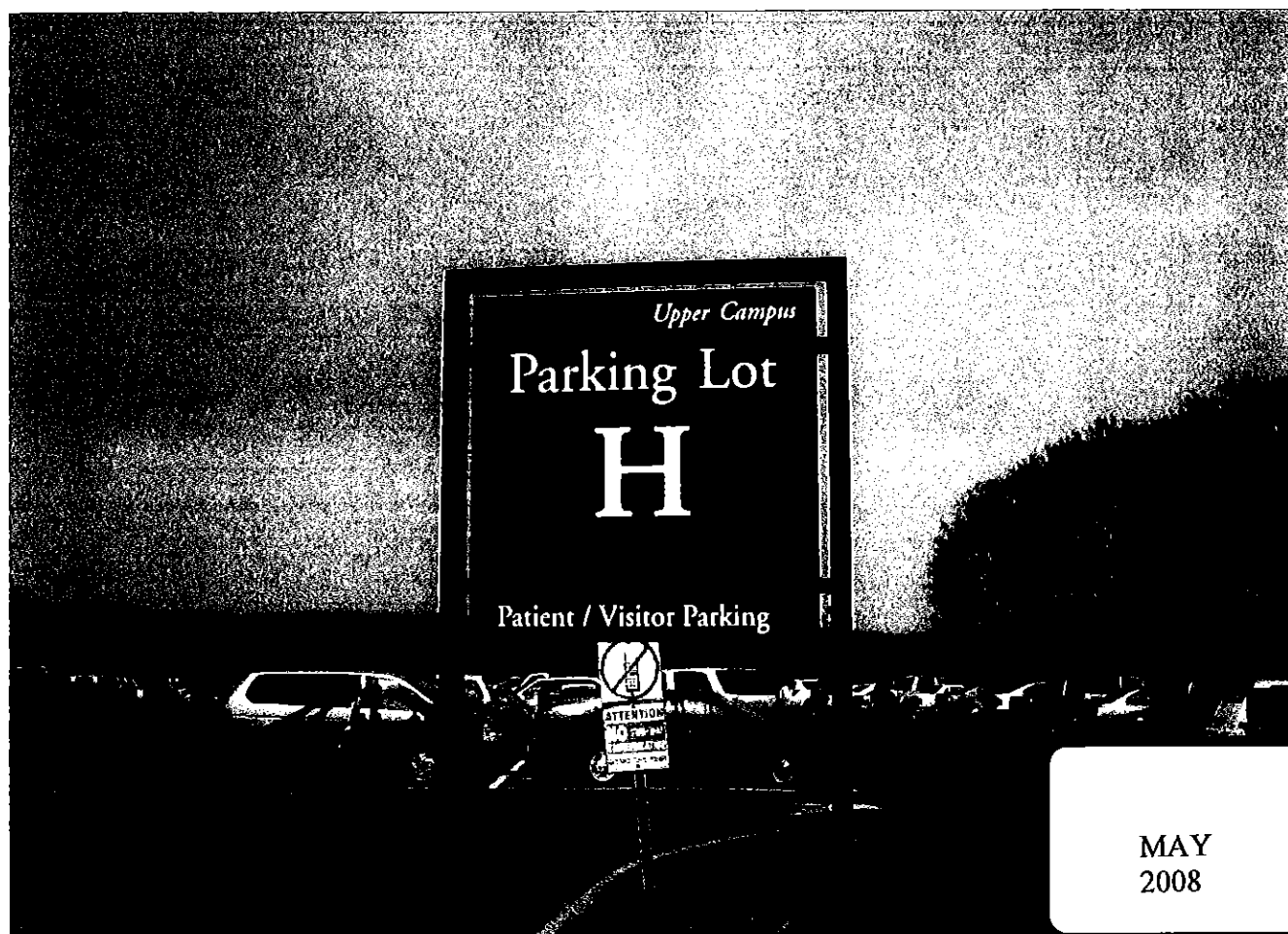
<b><u>PARKING LOT</u></b>	<b><u>TOTAL ACCIDENTS</u></b>
ASB Lot	2
West Dock Parking	4
Dowling South	18
Dowling North	2
Marb. Parking	5
Level 1 Parking	1
Level 2 Parking	2
Level 3 Park	4
Shuttle Lot 2	2

Shuttle Lot 3	1
ED Parking	2
A/B Lot	4
F Lot	7
G Lot	8
<u>H Lot</u>	<b>**<u>26</u>**</b>
I Lot	13
K Lot	5
L Lot	4

FEBRUARY  
2008



EXHIBIT K



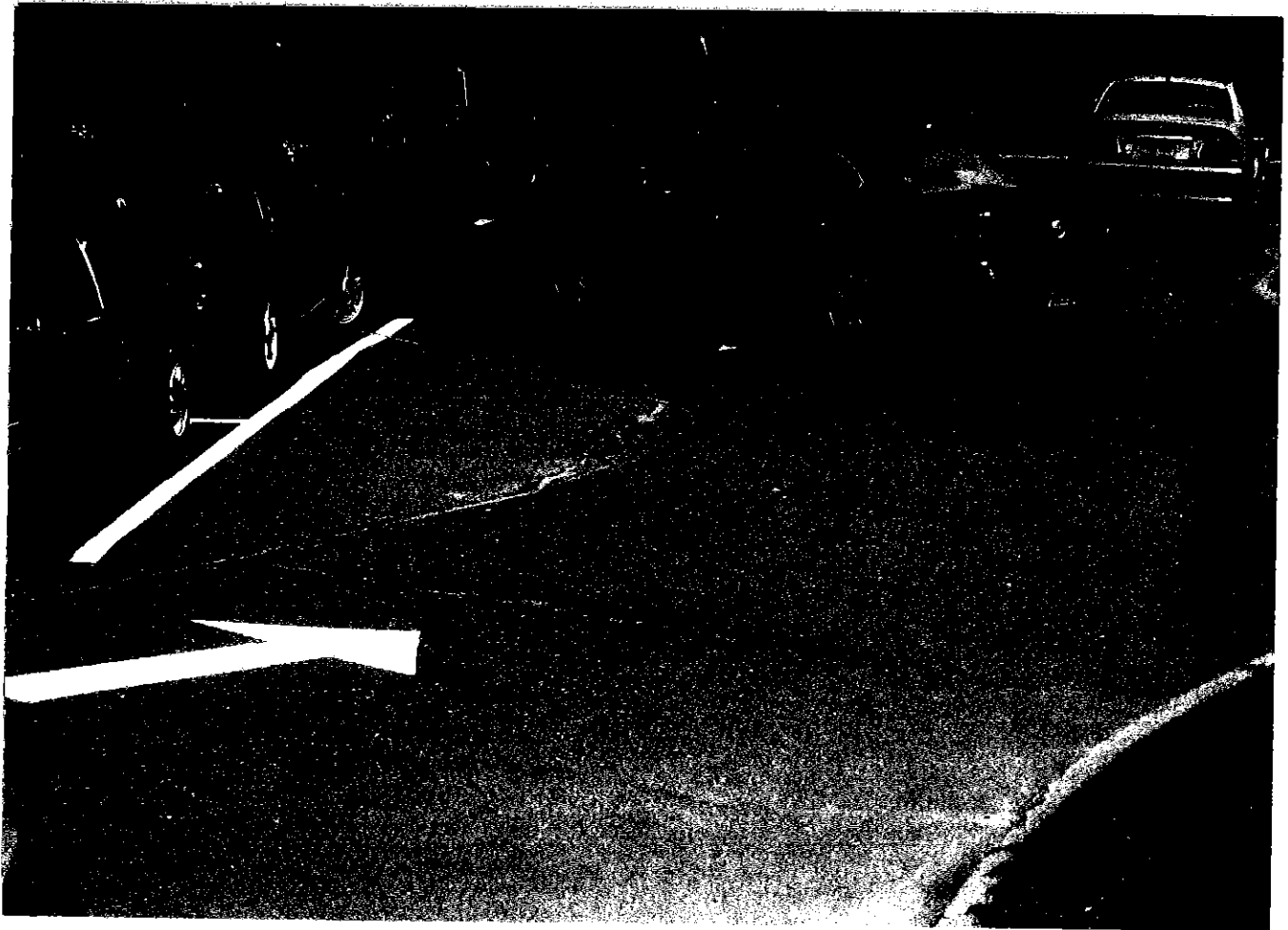
MAY  
2008

FEBRUARY  
2008



MAY  
2008





lecture halls, classrooms and student support spaces. The lecture halls will be converted from theater seating to tables with computer stations to incorporate information technology into the teaching environment.

### **Parking Garage – Health Center**

The Master Plan activity has identified the need to build additional parking spaces to support our current parking needs and requirements to support future growth in research activity on the Health Center Campus.

Due to limited open space because of wetlands, severe topography, and current and future building sites, space for new surface parking is not available. In order to accommodate additional parking a new 700-space multi level-parking garage is proposed to be built on the Health Center Campus in proximity to the Main Health Center Complex on what is now a surface parking lot.

### **Research Tower**

This project will provide a new state of the art medical research facility. The facility, approximately 165,00 gross square feet, will include new research lab modules, lab support space and space for a Nuclear Medicine research program. The project also includes provisions for new laboratory equipment to ensure the facility is fully equipped to support the academic mission of the University. Demand for new and modern laboratory facilities is required to support the dramatic increases in research grant activity at the Health Center. This is demonstrated by the fact that all existing laboratory space in the 196,000 square foot Academic Research Building built in 1999 (the first of two phases as identified by the 1986 Master Plan Study) is completely committed. Additional research laboratory space is essential to continue to expand research activities and secure grant increases; grant awards have grown by 16.5% in Fiscal Year 2000 and 19% in Fiscal Year 2001.

### **Support Building Addition/Renovation**

The Health Center has a shortage of space available to expand current programs. This project would construct a 30,000 square foot addition to the existing support building and house administrative and other related functions that would be relocated from the Main Health Center Complex. This would free up valuable space in the Center Complex that could be used for expansion of current and future academic and research programs.

The existing Administrative Service Building contains 67,245 square feet and was built in 1989. It provides office space for administrative functions and computer center. This building has not had any major renovation since it was originally constructed. A general renovation of the building is required to meet its current use. As part of this renovation, the following would be included in the project scope:

- Upgrades to bring into compliance with ADA standards.
- Upgrades to lighting system.
- Roof replacement.
- Upgrades to elevators.
- Installation of new carpet.
- New wall finishes.
- Upgrades to restroom fixtures.
- Upgrades to HVAC system.
- Replacement of roof top air conditioning units.